

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-18 were pending prior to the Office Action. In this Reply, claims 19-36 are added. Therefore, claims 1-36 are pending. Claims 1-3, 7, 13 and 32-36 are independent.

§ 103 REJECTION – SNYDER

Claims 1, 7-8 and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Snyder et al. (US Patent 6,195,474). Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P. 2142*. One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P. 2142*; *M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 recites, in part “wherein a range of image information of the at least a part of the reproduced image mapped for reproducing is widened compared to a range of image information of a rest of

the reproduced image mapped for reproducing when the function for automatically changing the dynamic range of the at least a part of the reproduced image is executed.” *See e.g., Figure 5 of the present disclosure.*

Snyder cannot be relied upon to teach or suggest this feature. Indeed, as illustrated in Figures 14a and 14b of Snyder, the range of input values actually mapped to output values is narrowed. Thus, Snyder actually teaches away from the recited feature. This is sufficient to distinguish claim 1 over Snyder.

Independent claim 7 recites, in part “wherein the step of executing the function for automatically changing the dynamic range comprises widening a range of image information of the at least a part of the reproduced image mapped for reproducing relative to a range of image information of a rest of the reproduced image mapped for reproducing.” It is demonstrated above that Snyder cannot be relied upon to teach or suggest this feature. Accordingly, independent claim 7 is also distinguishable over Snyder.

Claims 8 and 10 depend from independent claim 7 directly or indirectly. Accordingly, these dependent claims are also distinguishable over Snyder for at least due to their dependencies from claim 7.

In addition, Applicants respectfully challenge the Official Notice taken by the Examiner regarding the features as recited in claims 8 and 10, and request that a valid prior art be cited in support.

Applicants respectfully request that the rejection of claims 1, 7-8 and 20 based on Snyder be withdrawn.

§ 103 REJECTION – SNYDER, MOLLOY

Claims 9 and 11-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Snyder in view of Molloy (US Patent 6,078,349). Applicants respectfully traverse.

Claims 9 and 11-12 depend from independent claim 7 directly or indirectly, and it is demonstrated above that claim 7 is distinguishable over Snyder. Molloy is not relied upon to correct for at least the above noted deficiencies of Snyder. Therefore, claim 7 is distinguishable over the combination of Snyder and Molloy. Accordingly, claims 9 and 11-12 are also distinguishable over the combination of Snyder and Molloy at least due to their dependencies from independent claim 7.

In addition, the Examiner fails to identify a suggestion or motivation to combine Snyder and Molloy as required. *See M.P.E.P. 2143.01*. The Examiner merely states that it would have been obvious to combine the references because the two references are analogous. This statement does not suffice as a suggestion or motivation.

For at least the above stated reasons, Applicants respectfully request that the rejection of claims 9 and 11-12 based on Snyder and Molloy be withdrawn.

§ 103 REJECTION – UEDA, SNYDER

Claims 2-4, 6, 13-14 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueda et al. (US Patent 5,953,459) in view of Snyder. Applicants respectfully traverse.

Independent claim 2 recites, in part “wherein when the function for automatically changing the tone conversion characteristic of the at least a part of the reproduced image is executed, a range of output values mapped to a range of image information of the at least a part of the reproduced image is wider after executing the function than before executing the function” and “wherein the range of output values mapped to the range of image information of the at least a part of the reproduced image after executing the function is less than an entire range of possible output values.” *See e.g., Figure 9 of the present disclosure.* Neither Ueda nor Snyder can be relied upon to teach or suggest these features. Accordingly, independent claim 2 is distinguishable over the combination of Ueda and Snyder.

Independent claim 3 recites, in part “wherein when the tone conversion characteristic varying device automatically changes the tone conversion

characteristic of the at least a part of the image, a range of output values mapped to a range of image information of the at least a part of the image is wider after the change than before the change” and “wherein the range of output values mapped to the range of image information of the at least a part of the image after the change is less than an entire range of possible output values.” It is demonstrated above that the combination of Ueda and Snyder cannot teach or suggest these features. Accordingly, claim 3 is distinguishable over the same combination of references.

Independent claim 13 recites, in part “wherein when the function for automatically changing the tone conversion characteristic of the at least a part of the reproduced image is executed, a range of output values mapped to a range of image information of the at least a part of the reproduced image is wider after executing the function than before executing the function” and “wherein the range of output values mapped to the range of image information of the at least a part of the reproduced image after executing the function is less than an entire range of possible output values.” Again, the combination of Ueda and Snyder cannot teach or suggest these features. Accordingly, independent claim 13 is distinguishable over the same combination of references.

Claims 4, 6, 14 and 16 depend from independent claims 3 or 13 directly or indirectly. Accordingly, these dependent claims are also distinguishable

over the combination of Ueda and Snyder for at least due to their dependencies from the independent claims.

Further, Applicants respectfully challenge the Official Notice taken by the Examiner to reject these dependent claims. Applicants request that valid prior art be cited in support.

Applicants respectfully request that the rejection of claims 2, 3-4, 6, 13-14 and 16 based on Ueda and Snyder be withdrawn.

§ 103 REJECTION – UEDA, SNYDER, MOLLOY

Claims 5, 15 and 17-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueda, Snyder in view of Molloy. Applicants respectfully traverse.

Claims 5, 15 and 17-18 depend from independent claims 3 or 13 directly or indirectly, and it is demonstrated above that claims 3 and 13 are distinguishable over Ueda and Snyder. Molloy is not relied upon to correct for at least the above noted deficiencies of Ueda and Snyder. Therefore, independent claims 3 and 13 are distinguishable over the combination of Ueda, Snyder, and Molloy. Accordingly, claims 5, 15 and 17-18 are also distinguishable over the same combination of references.

In addition, Applicants respectfully challenge the Official Notice taken by the Examiner to reject these claims.

For at least the reasons stated above, Applicants respectfully request that the rejection of claims 5, 15, and 17-18 based on Ueda, Snyder and Molloy be withdrawn.

NEW CLAIMS

Through this reply, claims 19-36 are added. No new matter is presented. The new claims are distinguishable over the cited references, individually or in any combination, for at least due to their dependencies from independent claims. Applicants respectfully request that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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